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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/261,084	03/02/1999	CARL ROBERT LEHFELDT	6013-002	7299

7590 03/27/2002

SABATH & TRUONG
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SAN JOSE, CA 95113

EXAMINER

TONG, NINA C

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 03/27/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten signature

Office Action Summary

Application No.

09/261,084

Applicant(s)

LEHFELDT ET AL.

Examiner

Nina Tong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-16 and 18-22 is/are rejected.
- 7) ☒ Claim(s) 6 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e)(to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to because the numeral "51" in fig.4 is missing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claim 12-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 12, between lines 15-16, please insert --connecting a switch sensor to said magnetic switch for sensing the state of the switch;--.

On line 17, after "switch state" insert --as sensed by said switch sensor--.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims are 1-5,7-16,18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennon et al. (4,707,679) in view of Troutman et al. (4,663,601).

Regarding claims 1,7,9,12,13,18,20 Kennon et al. Discloses a magnetic tamper detector for a utility meter, which shows the well-known meter anti-theft system by using the magnetic field sensing system; wherein said magnetic field sensing system comprises the magnet and the magnetic switch for activating an alarm signal when the magnetic field is presence/ changed upon the magnet which caused the switch to either close or open. The sensing means is met by numeral 15 and see abstract. Transmitting is inherently included (since the claim 13 did not specify the wireless transmitter).

Kennon et al. Fails to specify the claimed magnet associated with the attachment mechanism.

However, it is well-known in the art of employing magnetic field sensing system with the magnet mounted on a device which is in closes proximity to the switch to cause it close or open upon the rotation of the magnet on the device as shown by Troutman et al.. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the magnetic sensing system with the well-known one as taught by Troutman et al. in Kennon et al. for increasing the security and for performing the same function as desired.

Regarding claim 2, as long as the alarm signal is being sent, sending the alarm signal via wire or wireless communication device would not constitute an inventive step but an obvious design choice. It would have been obvious to one of ordinary skill in the art of having the alarm

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signal send to the alarm via wireless communication device, such as transmitter, in the above combination for performing the same function as desired and for increasing security since it could transmit alarm signal to a remote location.

Regarding claims 3-5,8,10,14-16,19,21, the selection of the magnetic field for the rotation angle of first and second position and threshold angle would not constitute an invention step but an obvious design choice through the experiment for the best result. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the claimed magnetic field for the first & second position and the threshold angle as claimed in the above combination for providing a better system.

Regarding claims 11,22, as long as an attachment means is provided, employing any attachment means in the meter system would not constitute an inventive step but an obvious design choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ any attachment means in the meter system, such as the claimed bolt, screw, friction-generating nail as claimed in the above combination for performing the same function as desired.

Allowable Subject Matter

5. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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6. Claim 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Salomon disclosed at fig. 14 of the magnetic switch 44, magnet 51 and the transmitter 2.

Oguma et al. Disclosed a circuit breaker which disconnected power supply 22 to the load 23 via the magnetic switch 81 and magnet 73 (fig. 13) (alarm may be incorporated here).

Bishop (4,833,455 or 5,140,258) disclosed anti-tamper device for utility meters.

Johnson et al. Disclosed a tamper detection device for utility meter with magnetic field sensing system 26.

De Witt et al. Disclosed the magnet and magnetic switch to sense the movement of the door/window and send alarm signal via the transmitter upon the actuation of the switch.

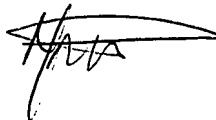
Haus, Jr. Guillon, Capriotti et al. Disclosed the meter anti-theft magnetic sensing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nina Tong whose telephone number is 703-305-4831. The examiner can normally be reached on Mon-Fri. (9:30 -7:00), alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 703-305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Nina Tong
Primary Examiner
Art Unit 2632



Nina Tong
March 23, 2002